

"Terms of the district court shall be held at Scranton on the second Monday in March and the third Monday in October; at Harrisburg on the first Mondays in May and December; at Lewisburg on the third Monday in January; and at Williamsport on the first Monday in June. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Lewisburg; the civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial."

Terms of court.  
Vol. 38, p. 713, amend-  
ed.

Office, etc., at Lewis-  
burg.

Approved, April 26, 1926.

**CHAP. 186.**—An Act To amend the Act entitled "An Act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, and for other purposes.

April 26, 1926.

[S. 2465.]

[Public, No. 151.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act entitled "An Act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," approved August 24, 1912, as amended, is amended (a) by striking out the words "red top" wherever such words appear in such section and (b) by inserting, after the word "flax" in the second proviso of such section, a comma and the words "broomcorn millet, early fortune millet".

Adulterated grain  
and seeds.  
Vol. 37, p. 506, amend-  
ed.  
Post, p. 986.  
Red top, stricken  
out.

Broomcorn, and early  
fortune millet, added.

**SEC. 2.** Such Act of August 24, 1912, as amended, is amended by adding at the end thereof the following new sections:

New section.  
Vol. 37, p. 507, amend-  
ed.

"**SEC. 5.** (a) On and after the effective date of this subdivision the importation into the United States of seeds of alfalfa or red clover, or any mixture of seed containing 10 per centum or more of the seeds of alfalfa and/or red clover, is prohibited unless such seeds are colored in such manner and to such extent as the Secretary of Agriculture may prescribe and, when practicable, the color used shall indicate the country or region of origin.

Importation of al-  
falfa or red clover seeds  
prohibited unless col-  
ored, etc.

"(b) Whenever the Secretary of Agriculture, after public hearing, determines that seeds of alfalfa or red clover from any foreign country or region are not adapted for general agricultural use in the United States he shall publish such determination. On and after the expiration of ninety days after the date of such publication and until such determination is revoked the importation into the United States of any of such seeds, or of any mixture of seeds containing 10 per centum or more of such seeds of alfalfa and/or red clover, is prohibited, unless at least 10 per centum of the seeds in each container is stained a red color, in accordance with such regulations as the Secretary of Agriculture may prescribe.

Publication of seed  
not adapted to agricul-  
tural use.

Importation prohib-  
ited.

Stained seeds ex-  
cepted.

"(c) The Secretary of the Treasury and the Secretary of Agriculture shall jointly prescribe such rules and regulations as may be necessary to prevent the importation into the United States of any seeds the importation of which is prohibited.

Rules, etc., to be pre-  
scribed.

"(d) Subdivision (a) of this section shall become effective upon the expiration of thirty days after the date of the passage of this amendatory Act.

Effective in 30 days.

**SEC. 6.** (a) No person shall transport, deliver for transportation, sell, or offer for sale, in interstate commerce, any seed which is misbranded within the meaning of this section; except that this section shall not apply to any common carrier in respect of any seed transported or delivered for transportation in the ordinary course of its business as a common carrier.

Transporting, selling,  
etc., misbranded seeds  
forbidden.

Grounds for seizure, etc.	"(b) Any misbranded seed shall be liable to be proceeded against in the district court of the United States for any judicial district in which it is found, and to be seized for confiscation by a process of libel for condemnation, if such seed is being—
Interstate transportation.	"(1) Transported in interstate commerce; or
Subsequent sale.	"(2) Held for sale or exchange after having been so transported.
Disposal of condemned seed.	"(c) If such seed is condemned by the court as misbranded, it shall be disposed of in the discretion of the court—
Sale.	"(1) By sale; or
Delivery to owner under bond, etc.	"(2) By delivery to the owner thereof upon the payment of the legal costs and charges, and the execution and delivery of a good and sufficient bond to the effect that such seed will not be sold or disposed of in any jurisdiction contrary to the provisions of this Act or the laws of such jurisdiction; or
Destruction.	"(3) By destruction.
Use of proceeds from sale.	"(d) If such seed is disposed of by sale, the proceeds of the sale, less the legal costs and charges, shall be paid in to the Treasury as miscellaneous receipts.
Legal proceedings.	"(e) Proceedings in such libel cases shall conform, as nearly as may be, to suits in rem in admiralty, except that either party may demand trial by jury on any issue of fact if the value in controversy exceeds \$20; and facts so tried shall not be reexamined other than in accordance with the rules of the common law. All such proceedings shall be at the suit and in the name of the United States. The Supreme Court of the United States and, under its direction, other courts of the United States are authorized to prescribe rules regulating such proceedings in any particular not provided by law.
Terms construed.	"(f) As used in this section—
"Person."	"(1) The term 'person' means individual, partnership, corporation, or association;
"Interstate commerce."	"(2) The term 'interstate commerce' means commerce between any State, Territory, or possession, or the District of Columbia, and any other State, Territory, or possession, or the District of Columbia; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia; and
"District court of the United States."	"(3) The term 'district court of the United States' includes any court exercising the powers of a district court of the United States.
Misbranding described.	"(g) For the purposes of this section, seed shall be held to be misbranded if—
False statement on container.	"(1) The container thereof, or the invoice relating thereto, or any advertising pertaining thereto, bears or contains any statement, design, or device that is false and fraudulent; or
Seed not colored.	"(2) If such seed is required to be colored, under the provisions of section 5 and the regulations issued thereunder, and is not so colored; or
Imitation of color of seed.	"(3) If such seed is colored in imitation of seed required to be colored under the provisions of section 5 and the regulations issued thereunder.
Regulations to be prescribed.	"(h) The Secretary of Agriculture is authorized to prescribe such regulations as may be necessary for carrying out the provisions of this section.
Effective date.	"(i) This section shall take effect upon the date of the passage of this amendatory Act; but no penalty or condemnation shall be enforced for any violation of this section occurring within thirty days after such date."
Penalties not enforced for 30 days.	

Approved, April 26, 1926.